

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ELECTRONIC ENVIRONMENTS CORPORATION,)  
Plaintiff )  
              )  
v.            )     **Civil Action No. 05-11093 NG**  
              )  
JAMES M. EMMING, )  
Defendant )  
              )

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**JOINT STATEMENT UNDER LOCAL RULE 16.1 (D)(1)**

The parties hereby submit their joint statement pursuant to Local Rule 16.1 (D)(1).

I.     PROPOSED SCHEDULING CONFERENCE AGENDA:

Establishment of a pre-trial schedule including discovery, motions, identifying initial depositions and establishing a phased deposition schedule.

II.    JOINT DISCOVERY PLAN (RULE 16.1 (D)(1)) AND MOTION SCHEDULE:

The parties proposed the following Discovery Schedule:

- (1)    Rule 26 Initial Disclosures by August 26, 2005.
- (2)    Interrogatories and Document Requests served by September 9, 2005.
- (3)    Initial depositions completed by September 23, 2005.
- (4)    Motions to Dismiss or for Summary Judgment filed by November 4, 2005.
- (5)    Oppositions to Dispositive Motions filed by December 2, 2005.
- (6)    Reply to Opposition, if any, by December 21, 2005.
- (7)    Surreply Response, if any, by December 30, 2005.

(8) Plaintiff also intends to file its Motion for Preliminary Injunctive Relief within 30 to 60 days of the Scheduling Conference.

III. MAGISTRATE JUDGE:

Neither party consents to trial by magistrate judge.

IV. CERTIFICATION RULE 16.1 (D):

The parties by their respective counsel of record hereby certify that they have conferred regarding establishing a budget for the costs of conducting the full course of various alternative courses of the litigation, and that they have conferred regarding the resolution of the litigation through alternative dispute resolution programs such as those outlined in Local Rule 16.4.

ELECTRONIC ENVIRONMENTS  
CORPORATION  
By its Attorney,

JAMES M. EMMING  
By his Attorney,

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/s/ Leo S. McNamara  
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ELECTRONIC ENVIRONMENTS  
CORPORATION  
By,

JAMES M. EMMING  
By,

/s/ Kenneth A. Rapoport  
Kenneth A. Rapoport, CEO

/s/ James M. Emming  
James M. Emming

Dated: July 20, 2005